

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

**MEDIATION CONSIDERATIONS**

The New Hampshire legislature recognizes that mediation may not be appropriate for all families. This is set forth in the Parental Rights and Responsibilities Act, RSA 461-A, as follows:

Reasons the court may choose not to order mediation include, but are not limited to, the following:

- (a) A showing of undue hardship to a party.
- (b) An agreement between the parties for alternate dispute resolution procedures.
- (c) An allegation of abuse or neglect of the minor child.
- (d) A finding of alcoholism or drug abuse, unless all parties agree to mediation.
- (e) An allegation of serious psychological or emotional abuse.
- (f) Lack of an available, suitable mediator within a reasonable time period.

The court shall not order mediation if there is a finding of domestic violence as defined in RSA 173-B:1, unless all parties agree to mediation.